



1TGU-FLC-OPM 5-5MC

DATE: December 27, 2001

SESA ISSUANCE NO.: 02-09

SUBJECT: Prevailing Wage Determination for Agricultural Wage Surveys (ETA-232 Report) Conducted in 2001 in Maine

1. **Purpose.** To announce approved prevailing wage rates for agricultural job orders subject to the Agricultural Recruitment System (Clearance System) during calendar year 2002. These approved prevailing wage rates apply only to the State of ME.
2. **References.** ETA Handbook Numbers 385 and 398, and 20 CFR 653.500 - 503 Subpart F.
3. **Background.** SESA submitted ETA-232 prevailing wage survey reports covering agricultural wages. These surveys are required in order to comply with the regulations governing agricultural clearance orders at 20 CFR 653, Subpart F.
4. **Action Required.** State should distribute the attached wage rate findings, and related information, to staff involved in handling agricultural activities.
5. **Inquiries.** Please contact Val Castaneda at (617) 565-2265 if you have any questions.

A handwritten signature in black ink, appearing to read "Joseph F. Stoltz".

Joseph F. Stoltz
Regional Director
Office of Workforce Security

Attachments

Approved Prevailing Wages

The following wages have been confirmed by the National Office of the United States Department of Labor and are in effect as of the dates indicated on cover page of this issuance.

Maine

Wage Reporting Area: 01-23-02 States Wide Excluding Aroostook County:

Farmworker, Mixed Vegetable	\$7.35 PER HOUR
Blueberry, Mechanical Harvester Operator	\$6.36 PER HOUR + \$0.10 PER BOX

Wage Reporting Area: 01-23-01 Aroostook County Only:

Farmworker, Broccoli Cutter	\$8.17 PER HOUR
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WAGES

These wages are in effect until other prevailing wage surveys are confirmed or, as applicable, superseded by the most recent publication of an Adverse Effect Wage Rate (AEWR).

The above rates, or the appropriate AEWR, should be applied when evaluating all agricultural job orders scheduled for 2002.

H-2A job orders: Employers will pay the State or Federal minimum wage, prevailing wage, or the AEWR, whichever is *highest*.

Non H-2A (only) job orders: Employers will pay the State or Federal minimum, or the prevailing wage, whichever is higher.

(Piece Rate)

H-2A job orders: if the piece rate basis (at the end of each pay period) does not result in average hourly rate earnings, at least equal to the amount the worker would have earned with the *highest* hourly rate, the worker's pay should be supplemented, so that the earnings are as much as the worker would have earned with the *highest* hourly wage.

Non H-2A (only) job orders: If the employer pays on a piece rate basis, the piece rate will be at least the prevailing rate for such activity in the area of intended employment.

(No Finding Determination)

H-2A job orders with a "NO FINDING" determination: if the employer pays a piece rate for the activity, or per hour, earnings must not be less than the hourly AEWR rate of pay.

Non H-2A (only) job orders with a "NO FINDING" determination: If the employer pays a piece rate for the activity, or per hour, the Fair Labor Standard Act (FLSA) minimum wage is the guaranteed minimum rate of pay.

HOUSING

Additionally, employers with H-2A job orders *must* also offer housing and, if a prevailing working condition, board at no cost to the worker in accordance with "ETA handbook 398" and the 20 CFR 655 H-2A regulations.

Regarding non H-2A (only) job orders, employers should offer free housing and/or board if they are prevailing working conditions, in accordance with the 20 CFR 653 MSFW (Migrant and Seasonal Farmworker) regulations.